

State of Arizona
Senate
Forty-seventh Legislature
First Regular Session
2005

CHAPTER 167

SENATE BILL 1044

AN ACT

AMENDING SECTIONS 15-342 AND 15-746, ARIZONA REVISED STATUTES; RELATING TO
SCHOOL ACCOUNTABILITY.

(TEXT OF BILL BEGINS ON NEXT PAGE)

1 Be it enacted by the Legislature of the State of Arizona:

2 Section 1. Section 15-342, Arizona Revised Statutes, is amended to
3 read:

4 15-342. Discretionary powers

5 The governing board may:

6 1. Expel pupils for misconduct.

7 2. Exclude from grades one through eight children under six years of
8 age.

9 3. Make such separation of groups of pupils as it deems advisable.

10 4. Maintain such special schools during vacation as deemed necessary
11 for the benefit of the pupils of the school district.

12 5. Permit a superintendent or principal or representatives of the
13 superintendent or principal to travel for a school purpose, as determined by
14 a majority vote of the board. The board may permit members and members-elect
15 of the board to travel within or without the school district for a school
16 purpose and receive reimbursement. Any expenditure for travel and
17 subsistence pursuant to this paragraph shall be as provided in title 38,
18 chapter 4, article 2. The designated post of duty referred to in section
19 38-621 shall be construed, for school district governing board members, to be
20 the member's actual place of residence, as opposed to the school district
21 office or the school district boundaries. Such expenditures shall be a
22 charge against the budgeted school district funds. The governing board of a
23 school district shall prescribe procedures and amounts for reimbursement of
24 lodging and subsistence expenses. Reimbursement amounts shall not exceed the
25 maximum amounts established pursuant to section 38-624, subsection C.

26 6. Construct or provide in rural districts housing facilities for
27 teachers and other school employees which the board determines are necessary
28 for the operation of the school.

29 7. Sell or lease to the state, a county, a city or a tribal government
30 agency, any school property required for a public purpose, provided the sale
31 or lease of the property will not affect the normal operations of a school
32 within the school district.

33 8. Annually budget and expend funds for membership in an association
34 of school districts within this state.

35 9. Enter into leases or lease-purchase agreements for school buildings
36 or grounds, or both, as lessor or as lessee, for periods of less than five
37 years subject to voter approval for construction of school buildings as
38 prescribed in section 15-341, subsection A, paragraph 8.

39 10. Subject to chapter 16 of this title, sell school sites or enter
40 into leases or lease-purchase agreements for school buildings and grounds, as
41 lessor or as lessee, for a period of five years or more, but not to exceed
42 ninety-nine years, if authorized by a vote of the school district electors in
43 an election called by the governing board as provided in section 15-491,
44 except that authorization by the school district electors in an election is
45 not required if one of the following requirements is met:

1 (a) The market value of the school property is less than fifty
2 thousand dollars.

3 (b) The buildings and sites are completely funded with monies
4 distributed by the school facilities board.

5 (c) The transaction involves the sale of improved or unimproved
6 property pursuant to an agreement with the school facilities board in which
7 the school district agrees to sell the improved or unimproved property and
8 transfer the proceeds of the sale to the school facilities board in exchange
9 for monies from the school facilities board for the acquisition of a more
10 suitable school site. For a sale of property acquired by a school district
11 prior to July 9, 1998, a school district shall transfer to the school
12 facilities board that portion of the proceeds that equals the cost of the
13 acquisition of a more suitable school site. If there are any remaining
14 proceeds after the transfer of monies to the school facilities board, a
15 school district shall only use those remaining proceeds for future land
16 purchases approved by the school facilities board, or for capital
17 improvements not funded by the school facilities board for any existing or
18 future facility.

19 (d) The transaction involves the sale of improved or unimproved
20 property pursuant to a formally adopted plan and the school district uses the
21 proceeds of this sale to purchase other property that will be used for
22 similar purposes as the property that was originally sold, provided that the
23 sale proceeds of the improved or unimproved property are used within two
24 years after the date of the original sale to purchase the replacement
25 property. If the sale proceeds of the improved or unimproved property are
26 not used within two years after the date of the original sale to purchase
27 replacement property, the sale proceeds shall be used towards payment of any
28 outstanding bonded indebtedness. If any sale proceeds remain after paying
29 for outstanding bonded indebtedness, or if the district has no outstanding
30 bonded indebtedness, sale proceeds shall be used to reduce the district's
31 primary tax levy. A school district shall not use the provisions of this
32 subdivision unless all of the following conditions exist:

33 (i) The school district is the sole owner of the improved or
34 unimproved property that the school district intends to sell.

35 (ii) The school district did not purchase the improved or unimproved
36 property that the school district intends to sell with monies that were
37 distributed pursuant to chapter 16 of this title.

38 (iii) The transaction does not violate section 15-341, subsection G.

39 11. Review the decision of a teacher to promote a pupil to a grade or
40 retain a pupil in a grade in a common school or to pass or fail a pupil in a
41 course in high school. The pupil has the burden of proof to overturn the
42 decision of a teacher to promote, retain, pass or fail the pupil. In order
43 to sustain the burden of proof, the pupil shall demonstrate to the governing
44 board that the pupil has mastered the academic standards adopted by the state
45 board of education pursuant to sections 15-701 and 15-701.01. If the

1 governing board overturns the decision of a teacher pursuant to this
2 paragraph, the governing board shall adopt a written finding that the pupil
3 has mastered the academic standards. Notwithstanding title 38, chapter 3,
4 article 3.1, the governing board shall review the decision of a teacher to
5 promote a pupil to a grade or retain a pupil in a grade in a common school or
6 to pass or fail a pupil in a course in high school in executive session
7 unless a parent or legal guardian of the pupil or the pupil, if emancipated,
8 disagrees that the review should be conducted in executive session and then
9 the review shall be conducted in an open meeting. If the review is conducted
10 in executive session, the board shall notify the teacher of the date, time
11 and place of the review and shall allow the teacher to be present at the
12 review. If the teacher is not present at the review, the board shall consult
13 with the teacher before making its decision. Any request, including the
14 written request as provided in section 15-341, the written evidence presented
15 at the review and the written record of the review, including the decision of
16 the governing board to accept or reject the teacher's decision, shall be
17 retained by the governing board as part of its permanent records.

18 12. Provide transportation or site transportation loading and unloading
19 areas for any child or children if deemed for the best interest of the
20 district, whether within or without the district, county or state.

21 13. Enter into intergovernmental agreements and contracts with school
22 districts or other governing bodies as provided in section 11-952.

23 14. Include in the curricula which it prescribes for high schools in
24 the school district career and technical education, vocational education and
25 technology education programs and career and technical, vocational and
26 technology program improvement services for the high schools, subject to
27 approval by the state board of education. The governing board may contract
28 for the provision of career and technical, vocational and technology
29 education as provided in section 15-789.

30 15. Suspend a teacher or administrator from ~~his~~ THE TEACHER'S OR
31 ADMINISTRATOR'S duties without pay for a period of time of not to exceed ten
32 school days, if the board determines that suspension is warranted pursuant to
33 section 15-341, subsection A, paragraphs 23 and 24.

34 16. Dedicate school property within an incorporated city or town to
35 such city or town or within a county to that county for use as a public
36 right-of-way if both of the following apply:

37 (a) Pursuant to an ordinance adopted by such city, town or county,
38 there will be conferred upon the school district privileges and benefits
39 which may include benefits related to zoning.

40 (b) The dedication will not affect the normal operation of any school
41 within the district.

42 17. Enter into option agreements for the purchase of school sites.

43 18. Donate surplus or outdated learning materials to nonprofit
44 community organizations where the governing board determines that the

1 anticipated cost of selling the learning materials equals or exceeds the
2 estimated market value of the materials.

3 19. Prescribe policies for the assessment of reasonable fees for
4 students to use district-provided parking facilities. The fees are to be
5 applied by the district solely against costs incurred in operating or
6 securing the parking facilities. Any policy adopted by the governing board
7 pursuant to this paragraph shall include a fee waiver provision in
8 appropriate cases of need or economic hardship.

9 20. Establish alternative educational programs that are consistent with
10 the laws of this state to educate pupils, including pupils who have been
11 reassigned pursuant to section 15-841, subsection E or F.

12 21. Require a period of silence to be observed at the commencement of
13 the first class of the day in the schools. If a governing board chooses to
14 require a period of silence to be observed, the teacher in charge of the room
15 in which the first class is held shall announce that a period of silence not
16 to exceed one minute in duration will be observed for meditation, and during
17 that time no activities shall take place and silence shall be maintained.

18 22. Require students to wear uniforms.

19 23. Exchange unimproved property or improved property, including school
20 sites, where the governing board determines that the improved property is
21 unnecessary for the continued operation of the school district without
22 requesting authorization by a vote of the school district electors if the
23 governing board determines that the exchange is necessary to protect the
24 health, safety or welfare of pupils or when the governing board determines
25 that the exchange is based on sound business principles for either:

26 (a) Unimproved or improved property of equal or greater value.

27 (b) Unimproved property that the owner contracts to improve if the
28 value of the property ultimately received by the school district is of equal
29 or greater value.

30 24. For common and high school pupils, assess reasonable fees for
31 optional extracurricular activities and programs conducted when the common or
32 high school is not in session, except that no fees shall be charged for
33 pupils' access to or use of computers or related materials. For high school
34 pupils, the governing board may assess reasonable fees for fine arts and
35 vocational education courses and for optional services, equipment and
36 materials offered to the pupils beyond those required to successfully
37 complete the basic requirements of any other course, except that no fees
38 shall be charged for pupils' access to or use of computers or related
39 materials. Fees assessed pursuant to this paragraph shall be adopted at a
40 public meeting after notice has been given to all parents of pupils enrolled
41 at schools in the district and shall not exceed the actual costs of the
42 activities, programs, services, equipment or materials. The governing board
43 shall authorize principals to waive the assessment of all or part of a fee
44 assessed pursuant to this paragraph if it creates an economic hardship for a
45 pupil. For the purposes of this paragraph, "extracurricular activity" means

1 any optional, noncredit, educational or recreational activity which
2 supplements the education program of the school, whether offered before,
3 during or after regular school hours.

4 25. Notwithstanding section 15-341, subsection A, paragraphs 8 and 10,
5 construct school buildings and purchase or lease school sites, without a vote
6 of the school district electors, if the buildings and sites are totally
7 funded from one or more of the following:

8 (a) Monies in the unrestricted capital outlay fund, except that the
9 estimated cost shall not exceed two hundred fifty thousand dollars for a
10 district that utilizes the provisions of section 15-949.

11 (b) Monies distributed from the school facilities board established by
12 section 15-2001.

13 (c) Monies specifically donated for the purpose of constructing school
14 buildings.

15 Nothing in this paragraph shall be construed to eliminate the requirement for
16 an election to raise revenues for a capital outlay override pursuant to
17 section 15-481 or a bond election pursuant to section 15-491.

18 26. Conduct a background investigation that includes a fingerprint
19 check conducted pursuant to section 41-1750, subsection G for certificated
20 personnel and personnel who are not paid employees of the school district, as
21 a condition of employment. A school district may release the results of a
22 background check to another school district for employment purposes. The
23 school district may charge the costs of fingerprint checks to its
24 fingerprinted employee, except that the school district may not charge the
25 costs of fingerprint checks for personnel who are not paid employees of the
26 school district.

27 27. Sell advertising space on the exterior of school buses as follows:

28 (a) Advertisements shall be age appropriate and not contain promotion
29 of any substance that is illegal for minors such as alcohol, tobacco and
30 drugs or gambling. Advertisements shall comply with the state sex education
31 policy of abstinence.

32 (b) Advertising approved by the governing board may appear only on the
33 sides of the bus in the following areas:

34 (i) The signs shall be below the seat level rub rail and not extend
35 above the bottom of the side windows.

36 (ii) The signs shall be at least three inches from any required
37 lettering, lamp, wheel well or reflector behind the service door or stop
38 signal arm.

39 (iii) The signs shall not extend from the body of the bus so as to
40 allow a handhold or present a danger to pedestrians.

41 (iv) The signs shall not interfere with the operation of any door or
42 window.

43 (v) The signs shall not be placed on any emergency doors.

44 (c) Establish a school bus advertisement fund that is comprised of
45 revenues from the sale of advertising space on school buses. The monies in a

1 school bus advertisement fund are not subject to reversion and shall be used
2 for the following purposes:

3 (i) To comply with the energy conservation measures prescribed in
4 section 15-349 in school districts that are in area A as defined in section
5 49-541, and any remaining monies shall be used to purchase alternative fuel
6 support vehicles and any other pupil related costs as determined by the
7 governing board.

8 (ii) For any pupil related costs as determined by the governing board
9 in school districts not subject to the provisions of item (i) of this
10 subdivision.

11 28. Assess reasonable damage deposits to pupils in grades seven through
12 twelve for the use of textbooks, musical instruments, band uniforms or other
13 equipment required for academic courses. The governing board shall adopt
14 policies on any damage deposits assessed pursuant to this paragraph at a
15 public meeting called for this purpose after providing notice to all parents
16 of pupils in grades seven through twelve in the school district. Principals
17 of individual schools within the district may waive the damage deposit
18 requirement for any textbook or other item if the payment of the damage
19 deposit would create an economic hardship for the pupil. The school district
20 shall return the full amount of the damage deposit for any textbook or other
21 item if the pupil returns the textbook or other item in reasonably good
22 condition within the time period prescribed by the governing board. For the
23 purposes of this paragraph, "in reasonably good condition" means the textbook
24 or other item is in the same or a similar condition as it was when the pupil
25 received it, plus ordinary wear and tear.

26 29. Notwithstanding section 15-1105, expend surplus monies in the civic
27 center school fund for maintenance and operations or unrestricted capital
28 outlay, if sufficient monies are available in the fund after meeting the
29 needs of programs established pursuant to section 15-1105.

30 30. Notwithstanding section 15-1143, expend surplus monies in the
31 community school program fund for maintenance and operations or unrestricted
32 capital outlay, if sufficient monies are available in the fund after meeting
33 the needs of programs established pursuant to section 15-1142.

34 31. ADOPT GUIDELINES FOR STANDARDIZATION OF THE FORMAT OF THE SCHOOL
35 REPORT CARDS REQUIRED BY SECTION 15-746 FOR SCHOOLS WITHIN THE DISTRICT.

36 32. ADOPT POLICIES THAT REQUIRE PARENTAL NOTIFICATION WHEN A LAW
37 ENFORCEMENT OFFICER INTERVIEWS A PUPIL ON SCHOOL GROUNDS. POLICIES ADOPTED
38 PURSUANT TO THIS PARAGRAPH SHALL NOT IMPEDE A PEACE OFFICER FROM THE
39 PERFORMANCE OF THE PEACE OFFICER'S DUTIES. IF THE SCHOOL DISTRICT GOVERNING
40 BOARD ADOPTS A POLICY THAT REQUIRES PARENTAL NOTIFICATION:

41 (a) THE POLICY MAY PROVIDE REASONABLE EXCEPTIONS TO THE PARENTAL
42 NOTIFICATION REQUIREMENT.

43 (b) THE POLICY SHALL SET FORTH WHETHER AND UNDER WHAT CIRCUMSTANCES A
44 PARENT MAY BE PRESENT WHEN A LAW ENFORCEMENT OFFICER INTERVIEWS THE PUPIL,
45 INCLUDING REASONABLE EXCEPTIONS TO THE CIRCUMSTANCES UNDER WHICH A PARENT MAY

1 BE PRESENT WHEN A LAW ENFORCEMENT OFFICER INTERVIEWS THE PUPIL, AND SHALL
2 SPECIFY A REASONABLE MAXIMUM TIME AFTER A PARENT IS NOTIFIED THAT AN
3 INTERVIEW OF A PUPIL BY A LAW ENFORCEMENT OFFICER MAY BE DELAYED TO ALLOW THE
4 PARENT TO BE PRESENT.

5 Sec. 2. Section 15-746, Arizona Revised Statutes, is amended to read:
6 15-746. School report cards

7 A. Each school shall distribute an annual report card that contains at
8 least the following information:

9 1. A description of the school's regular, magnet and special
10 instructional programs.

11 2. A description of the current academic goals of the school.

12 3. A summary of the results achieved by pupils enrolled at the school
13 during the prior three school years as measured by the Arizona instrument to
14 measure standards test and the nationally standardized norm-referenced
15 achievement test as designated by the state board and as reported in the
16 annual report prescribed by section 15-743, a summary of the pupil progress
17 on an ongoing and annual basis, showing the trends in gain or loss in pupil
18 achievement over time in reading, language arts and mathematics for all years
19 in which pupils are enrolled in the school district for an entire school year
20 and for which this information is available and a summary of the pupil
21 progress for pupils not enrolled in a district for an entire school year.

22 4. The school's current expenditures per pupil for classroom supplies,
23 classroom instruction excluding classroom supplies, administration, support
24 services-students, and all other support services and operations. The
25 current expenditures per pupil by school shall include allocation of the
26 district-wide expenditures to each school, as provided by the district. The
27 report shall include a comparison of the school to the state amount for a
28 similar type of district as calculated in section 15-255. The method of
29 calculating these per pupil amounts and the allocation of expenditures shall
30 be as prescribed in the uniform system of financial records.

31 5. The attendance rate of pupils enrolled at the school as reflected
32 in the school's average daily membership as defined in section 15-901.

33 6. The TOTAL number of incidents that occurred on the school grounds,
34 AT SCHOOL BUS STOPS, ON SCHOOL BUSES AND AT SCHOOL SPONSORED EVENTS and that
35 required the ~~intervention~~ CONTACT of A local, COUNTY, TRIBAL, state or
36 federal law enforcement OFFICER PURSUANT TO SECTION 13-3411, SUBSECTION F,
37 SECTION 13-3620, SECTION 15-341, SUBSECTION A, PARAGRAPH 33 OR SECTION
38 15-515. THE TOTAL NUMBER OF INCIDENTS REPORTED SHALL ONLY INCLUDE REPORTS
39 THAT LAW ENFORCEMENT OFFICERS REPORT TO THE SCHOOL ARE SUPPORTED BY PROBABLE
40 CAUSE. FOR THE PURPOSES OF THIS PARAGRAPH, A CERTIFIED PEACE OFFICER WHO
41 SERVES AS A SCHOOL RESOURCE OFFICER IS A LAW ENFORCEMENT OFFICER. A SCHOOL
42 MAY PROVIDE CLARIFYING INFORMATION IF THE SCHOOL HAS A SCHOOL RESOURCE
43 OFFICER ON CAMPUS.

44 7. The percentage of pupils who have either graduated to the next
45 grade level or graduated from high school.

1 8. A description of the social services available at the school site.
2 9. The school calendar including the length of the school day and
3 hours of operations.

4 10. The total number of pupils enrolled at the school during the
5 previous school year.

6 11. The transportation services available.

7 12. Beginning in the 2000-2001 school year and until July 1, 2006, the
8 reading instruction programs used by the school for kindergarten programs and
9 grades one, two and three, pursuant to section 15-704. The report card shall
10 include a district comparison of test scores among the different programs of
11 reading instruction and shall identify the program of reading instruction
12 used in each classroom.

13 13. A description of the responsibilities of parents of children
14 enrolled at the school.

15 14. A description of the responsibilities of the school to the parents
16 of the children enrolled at the school including dates the report cards are
17 delivered to the home.

18 15. A description of the composition and duties of the school council
19 as prescribed in section 15-351 if such a school council exists.

20 16. For the most recent year available, the average current expenditure
21 per pupil for administrative functions compared to the predicted average
22 current expenditure per pupil for administrative functions according to an
23 analysis of administrative cost data by the joint legislative budget
24 committee staff.

25 17. If the school provides instruction to pupils in kindergarten
26 programs and grades one through three, the ratio of pupils to teachers in
27 each classroom where instruction is provided in kindergarten programs and
28 grades one through three.

29 18. The average class size per grade level for all grade levels,
30 kindergarten programs and grades one through eight. For the purposes of this
31 paragraph, "average class size" means the weighted average of each class.

32 B. The department of education shall develop a standardized report
33 card format that meets the requirements of subsection A of this section. The
34 department shall modify the standardized report card as necessary on an
35 annual basis. The department shall distribute to each school in this state a
36 copy of the standardized report card that includes the required test scores
37 for each school. Additional copies of the standardized report card shall be
38 available on request.

39 C. After each school has completed the report card distributed to it
40 by the department of education, the school, in addition to distributing the
41 report card as prescribed in subsection A of this section, shall send a copy
42 of the report card to the department. The department shall prepare an annual
43 report that contains the report card from each school in this state.

1 D. The school shall distribute report cards to parents of pupils
2 enrolled at the school, no later than the last day of school of each fiscal
3 year, and shall present a summary of the contents of the report cards at an
4 annual public meeting held at the school. The school shall give notice at
5 least two weeks before the public meeting that clearly states the purposes,
6 time and place of the meeting.

APPROVED BY THE GOVERNOR APRIL 22, 2005.

FILED IN THE OFFICE OF THE SECRETARY OF STATE APRIL 22, 2005.

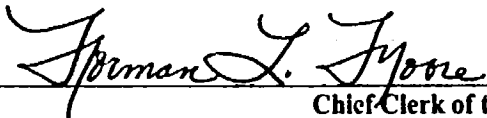
Passed the House April 11, 2005,

by the following vote: 37 Ayes,

21 Nays, 2 Not Voting



Speaker of the House

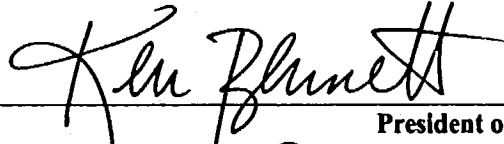


Chief Clerk of the House

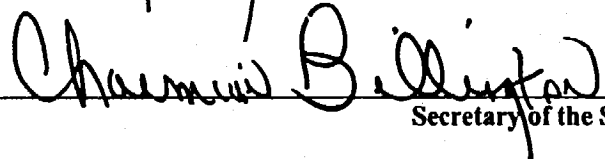
Passed the Senate March 8, 2005,

by the following vote: 26 Ayes,

0 Nays, 4 Not Voting



President of the Senate



Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

_____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary to the Governor

Approved this _____ day of

_____, 20____,

at _____ o'clock _____ M.

Governor of Arizona

S.B. 1044

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this _____ day of _____, 20____,

at _____ o'clock _____ M.

Secretary of State

SENATE CONCURS IN HOUSE AMENDMENTS
AND FINAL PASSAGE

Passed the Senate April 18, 2005,

by the following vote: 27 Ayes,

2 Nays, 1 Not Voting

Ken Bennett
President of the Senate
Channing Bellington
Secretary of the Senate

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF GOVERNOR

This Bill was received by the Governor this

19th day of April, 2005

at 8:05 o'clock A. M.

Wendell L. Harris
Secretary to the Governor

Approved this 22 day of

April, 2005,

at 1st o'clock P. M.

Jon R. R. [Signature]
Governor of Arizona

EXECUTIVE DEPARTMENT OF ARIZONA
OFFICE OF SECRETARY OF STATE

This Bill was received by the Secretary of State

this 22 day of April, 2005,

at 3:53 o'clock P. M.

Janice K. Brewer
Secretary of State

S.B. 1044